UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1811/Add.1
11 November 1999

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixty-seventh session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1811th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 November 1999 at 12.15 p.m.

Chairperson: Ms. MEDINA QUIROGA

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1811.

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GE.99-45264 (E)

The public part of the meeting was called to order at 12.15 p.m.

FOLLOW-UP ON VIEWS ADOPTED PURSUANT TO ARTICLE 5, PARAGRAPH 4, OF THE OPTIONAL PROTOCOL TO THE COVENANT (agenda item 9)

1. Mr. POCAR (Special Rapporteur for Follow-Up on Views) said he wished briefly to give the Committee some information on responses to its Views received from States parties, on the understanding that he would prepare a comprehensive report for the Committee to discuss at its next session.

2. Answers had been received from Jamaica concerning five cases in which the Committee had made findings of torture or ill-treatment of detainees, most of them on death row. With regard to three communications (Nos. 639/1995, 696/1996 and 719/1996), the State party had indicated that no compensation could be given, the judicial authorities having found that there were no grounds for compensation. On communication No. 610/1995, the State party had undertaken to investigate further the allegations of ill-treatment and to take action. On communication No. 647/1995, the State party had concluded that the Committee's Views covered a situation that had not yet been decided by the Jamaican courts and that the author had the right to ask for the Committee's findings reviewed by the judicial authorities in case they might wish to enforce remedies. Thus, although the Committee's Views were not to be implemented directly, they would be taken into account by the courts.

3. A response had been received from the Government of the Netherlands on communication No. 786/1997, in which the Committee had made a finding of a violation of article 26. The State party's reaction to the Committee's Views was negative. It stated that they were unfounded and that it could not endorse them, especially "in the interests of uniform application of legislation in relation to European Community law". It then asserted that European law was equivalent to internal law. The idea that accepting the Committee's Views ran counter to the application of European law was an interesting issue on which the Committee might wish to take a position in future.

4. Lastly, a case in which the State party had given a positive response was communication No. 633/1995. The State party, Canada, had indicated that a parliamentary official had been appointed to look into the author's request for access to the parliamentary press gallery and to conduct a general review of the conditions for such access. The State party had also instituted a parliamentary recourse procedure, including arbitration involving an independent expert, in the event that access to the press gallery was denied. The Committee's Views had been published as a parliamentary document and mentioned in the minutes of parliamentary proceedings. They would likewise be placed on the Government's Website to ensure the broadest possible public access.

5. The CHAIRPERSON thanked Mr. Pocar for his work on follow-up to the Committee's Views.

ORGANIZATIONAL AND OTHER MATTERS (continued)

6. Mr. KLEIN said that at the current session the Committee had encountered difficulties that had prevented it from working with maximum efficiency. With a view to improving the situation, he proposed that the Chairperson should address a letter to States parties to the Covenant reminding them of their responsibility for the functioning of the treaty monitoring mechanisms.

7. Ms. CHANET endorsed that proposal and suggested that a working group should be formed to decide on the contents of the letter. With the secretariat's assistance and by means of electronic mail, a draft could be prepared for consideration at the Committee's next session.

8. On another subject, she proposed that the Committee's concluding observations on the consideration of the initial report of the People's Republic of China on the Hong Kong Special Administrative Region should be addressed to the State party in Chinese as well as in English.

9. After a procedural discussion in which Ms. EVATT, the CHAIRPERSON and Mr. KLEIN participated, the CHAIRPERSON suggested that, following the proposal by Mr. Klein, she should initiate correspondence among members of the Committee with a view to preparing a draft letter for consideration at the next session.

10. It was so decided.

11. Mr. WIERUSZEWSKI, noting that the Bureau had been unable to reach a decision on the fifth periodic report submitted by Yugoslavia and that the Committee was unwilling to accept that report as it stood, suggested that the Committee should request the State party to amend the report and to provide information on the human rights situation in the country, with particular reference to events that had occurred since the report had been submitted. To remain entirely silent on the matter would give the impression that the Committee was unconcerned about the current human rights situation.

12. Lord COLVILLE supported that proposal. The report was irrelevant and the Committee should ask for a supplement updating it.

13. Mr. AMOR said he sympathized with the proposal, but in the past the Committee had never been prevented from considering a report that was outdated. In the present instance as well, it could rely on its oral questioning and the discussion with the State party in order to ascertain human rights developments during the period since the report had been prepared.

14. Mr. POCAR agreed with Mr. Amor. The Committee should schedule the consideration of the report and, when informing the State party of the date therefor, it should draw its attention to the fact that supplementary information was required.

15. It was so decided.

CLOSURE OF THE SESSION

16. Mr. GAHAM (Secretariat) thanked all the members of the Committee and, in wishing them a safe trip home, presented each of them with a CD-ROM of the High Commissioner's Website, containing the full texts of some 5,000 documents relating to human rights, including, of course, the Covenant.

17. After the customary exchange of courtesies, the CHAIRPERSON declared the sixty-seventh session of the Committee closed.

The meeting rose at 12.45 p.m.